

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

<b>IN THE MATTER OF</b>	§	
<b>SECTION 272(f)(1) SUNSET OF THE</b>	§	
<b>BOC SEPARATE AFFILIATE AND</b>	§	<b>WC DOCKET NO. 02-112</b>
<b>RELATED REQUIREMENTS</b>	§	

**COMMENTS OF THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF  
TEXAS**

NOW COMES THE STATE OF TEXAS (State), by and through the Office of The Attorney General of Texas, Consumer Protection Division and files these its comments on the Notice of Proposed Rulemaking released May 24th, 2002 in FCC Order No. 02-148. These comments are timely filed pursuant to the Commission's subsequent order in DA-02-1741.

The Office of the Attorney General submits these comments as the representative of state agencies and state universities as consumers of telecommunications services in the State of Texas.

We respond to this notice of proposed rulemaking with the concerns of a large customer in the still-developing competitive local telecommunications marketplace. We share the concerns of our state regulatory agency, the Public Utility Commission of Texas, that "prudence demands that the sunset period be extended until the conditions which necessitated creation of competitive safeguards no longer exist." *See PUCT comments at page 3.* We also endorse the comments of the Commission as filed and fully support its recommendation that structural separation be extended for a minimum of one year beyond the current sunset date but preferably until after completion of the second biennial audit of SWBT. This will allow sufficient time to develop and analyze information which will determine if, in fact, the competitive safeguards have worked and are still necessary.

The Office of the Attorney General of Texas appreciates this opportunity to provide comment on this Notice of Proposed Rulemaking.

Respectfully submitted,

JOHN CORNYN  
Attorney General of Texas

HOWARD G. BALDWIN, JR.  
First Assistant Attorney General

JEFFREY S. BOYD  
Deputy Attorney General for Litigation

PAUL D. CARMONA  
Chief, Consumer Protection Division

MARION TAYLOR DREW  
Public Agency Representation Section Chief

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ROGER B. BORGELT  
Assistant Attorney General  
State Bar No. 02667960  
Consumer Protection Division  
Public Agency Representation Section  
P.O. Box 12548  
Austin, Texas 78711-2548  
Voice: (512) 475-4170  
Fax: (512) 322-9114  
E-Mail: roger.borgelt@oag.state.tx.us

Date: August 5, 2002